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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,916	04/12/2004	James B.A. Tracey	GRTSTF.028A	6090
20995	7590	11/24/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			BOECKMANN, JASON J	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,916

Applicant(s)

TRACEY ET AL.

Examiner

Jason J. Boeckmann

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 26-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 19 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 20-23 and 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/14/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Since applicant has elected, Species IV, figures 3a-3c, for prosecution on the merits, in the response filed on 3/20/2006, the newly submitted amendment to claim 1, lines 5-7, is directed to a non-elected species for the following reasons:

The elected species, species IV, figures 3a-3b, does not show or disclose a fluid control device having a first liquid flow passage with the inlet pressure being less than the outlet pressure and a second liquid flow passage with the inlet pressure being substantially the same as the outlet pressure. It appears from the figures and the applicant's remarks, that fluid control device having a first liquid flow passage and a second liquid flow passage is supported in figure 2b and in paragraphs 61 and 62 of the specification, which is drawn to the non-elected species III. Even though paragraphs 68 and 77 of the specification describe that the elected species can provide fluid flow in a range of positions, the structure of the first fluid passage and the second fluid passage is not supported by species IV, figures 3a-3b.

Accordingly, claims 1, 3-8 and 35-37 are withdrawn from consideration, along with the previously withdrawn claims 2, 9-17, 19 and 24, as being directed to a non-elected species. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3752

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jockers (1,450,000).

Jockers shows a fluid control device comprising a gas inlet (g1), a liquid inlet (σ 1), an outlet (n) configured to be coupled to a hose, and a valve system (c, c1) configured to allow into the outlet a flow from the liquid inlet while stopping gas flow from the gas inlet, the valve system configured to allow into the outlet the gas flow from the gas inlet while stopping the liquid flow from the liquid inlet, the valve system configured to allow into the outlet a mixed flow comprising liquid flow and gas flow.

Regarding claims 20-22, the fluid control device further comprises a internal liquid passage (σ 2), an external liquid hose coupled to the liquid inlet (not shown but connected to (σ 1) and an external output hose (N) connected to the outlet. The valve system is within a housing with the gas inlet, liquid inlet and outlet disposed in the housing.

Regarding claim 23, examiner notes that the applicant's limitation of the flowing material is not a limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3752

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attar (6,857,583), in view of Eihusen et al (5,529,460).

Attar shows a hose system comprising a fluid control device (pump 30) including an inlet and an outlet, an inlet hose (26) in fluid communication with the inlet, an outlet hose (41) in fluid communication with the outlet, wherein the fluid control device is configured to receive liquid from the inlet at a first pressure and convey liquid from the outlet at one of a second pressure and a third pressure, but does not specifically disclose that the lumen of output hose has a smaller cross-sectional area than the lumen of the input hose, and that the third pressure is at least 2000 psi or that the first pressure is within 40-60 psi.

However, Eihusen et al shows a fluid control device including an inlet hose (36, 102) and an outlet hose (37) with the lumen of the outlet hose having a smaller cross-sectional area than the lumen of the inlet hose (figures 1 and 2). Eihusen et al also

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discloses "pressure washers are well known in the art for delivering water or other washing fluid under high pressure, e.g., about 1200 to 2000 psi" (column 1, lines 10-12), and that "fluid is commonly supplied to the pump by a garden hose" (column 1, lines 15-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make the lumen of the output hose, of Attar, have a smaller diameter than the lumen of the input hose in order to increase the fluid pressure in the output hose and increase the strength of the output hose. Additionally, It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to select a pump configuration that produces a fluid pressure of 1200 to 2000 psi and to connect the water inlet to a garden hose having an approximate pressure of 40-60psi, in order to increase the cleaning power of the fluid control device.

Regarding claim 34, the output hose Attar, as modified by Eihusen et al, is connected to a hose reel (40) comprising a third hose (50) and a rotatable drum onto which the third hose can be spooled, the output hose is connected to the hose reel device so as to convey fluid from the output hose to the third hose.

Response to Arguments

Applicant's arguments filed 9/14/2006 have been fully considered but they are not persuasive.

Regarding the applicant's arguments of claim 18, a hose can be pushed over the outlet (n) of Jockers, using the outlet as a fitting for the hose, or a hose can be connected to the threads where the fitting (N) is connected to the main body (C), therefore, the outlet of Jockers is configured to be coupled to a hose.

Regarding the applicants' arguments of claim 26, it is noted that the lumen of the outlet hose is smaller than the lumen of the inlet hose of Eihusen et al's invention. Which can be seen in figures 1 and 2 (see rejection above).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

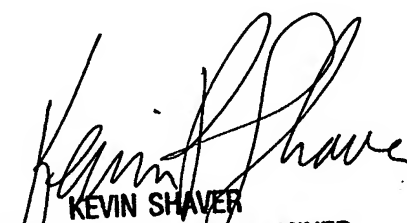
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJB JJB 11/15/06


KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
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